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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,408	03/30/2001	Anthony G. Casciano	17243-00039	3200

23465 7590 07/31/2002

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EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,408

Applicant(s)

CASCIANO, ANTHONY G.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Inventorship

1. In view of the papers filed 26 March 2002 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by addition of inventors: Steven Sanicola and Karen L. Savoca.

It is noted that the appropriate fee authorization has been received from applicant on 7-9-02.

The application will be forwarded (after mailing of this office action) to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file and PTO PALM data to reflect the inventorship as corrected.

Drawings

2. The corrected or substitute drawings were received on 2-27-02. These drawings are not approved by the chief draftsman. A form PTO-1449 is included with this office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 6-21, 23, 30, 37-39, 54 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitations to "deal" (in claim 7, 17, 30) and "deal economics" (in claim 17), is considered vague and indefinite since it is not clear what would constitute a "deal". What is considered a deal to one may not be considered a deal to another in absence of a definition from the instant specification.

The recitations to "workload diver" (in claims 1, 6-21, 23, 37-39, 54 and 56) is considered vague and confusing since the common terminology for a driver in the computer since art is: a hardware device or a program that controls or regulates another device (see the patent to Fuller, made of record, which discloses "workload drivers").

The recitations to "strong" (in claim 9), "moderate" (in claims 9 and 13) and "weak" (in claim 9) are considered vague and indefinite because they are relative terms.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7, 17, 28-30, 34-37, 45-47, 51-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dembo in view of Chaudhuri et al (207).

Dembo discloses facilitating use of a pricing model utilizing future values and ranges (col 5, lines 8-25). The user may select values for input (col 5, lines 14-20). The database includes triggers for a deal; data corresponding to a trigger level for each range and data corresponding to input and feedback regarding the deal. Risk calculations are utilized.

Dembo does not disclose allocating expenses based upon workload drivers and their trigger levels.

Chaudhuri et al (207) discloses allocating workload drivers and trigger levels for a database (col 2, lines 14-67). It would have been obvious to one with ordinary skill in the art to include allocating expenses based upon workload drivers and their trigger levels to Dembo because Chaudhuri et al (207) teaches workload database considerations is used to optimize database performance (col 1, lines 24-33).

7. Claims 6, 8-16, 18-27, 29-36, 38-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Dembo in view of Chaudhuri et al (207) as applied to claims 1-5, 7, 17, 28-30, 34-37, 45-47, 51-57 above, and further in view of Freeman et al.

Dembo in view of Chaudhuri et al (207) does not disclose specific data as recited

in claims 6-19, 38, 42-44.

Freeman et al discloses financial data including loan data (col 8, lines 9-11, 39-45; col 13, lines 48-59). It would have been obvious to one with ordinary skill in the art to include loan data and loan portfolios to Dembo in view of Chaudhuri et al (207) because Freeman et al teaches the importance of loan portfolio management (col 1, lines 9-54).

8. Claims 31-33, 48-50 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dembo in view of Chaudhuri et al (207) as applied to claims 1-5, 7, 17, 28-30, 34-37, 45-47, 51-57 above, and further in view of Anand et al.

Dembo in view of Chaudhuri et al (207) does not explicitly disclose report generation.

Anand et al discloses report generation (col 2, lines 1-25). It would have been obvious to one with ordinary skill in the art to include report generation because Anand et al teaches report generation for making better and more timely business decisions (col 1, lines 10-20).

Conclusion

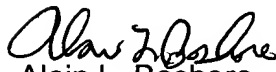
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tyler et al, Field, DeTore et al, and Kahn et al all disclose financial analyses.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
July 25, 2002


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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